S.B. CIVIL MISC. APPEAL NO.195/2007.
(Smt. Geeta & Ors. Vs. Manjoor Ali & Anr.)

Date of Order :: 12th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Girish Sharda, for the appellant.

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Having heard learned counsel for the claimant-appellants and having perused the impugned award dated 10.04.2006 in Claim Case No.486/2005, this Court is satisfied that the instant appeal for enhancement of amount of compensation remains bereft of substance and does not merit admission.

For quantification of compensation to be awarded to the wife, children and mother of the vehicular accident victim Om Prakash @ Prakash @ Gorkha Ram, about 20-25 years in age, the Tribunal has noticed the submissions of the claimants about the deceased earning Rs.7,000/- per month while working as a stone-miner; but for want of any cogent evidence on record, has taken his monthly income at Rs.3,000/- and deducting one-third wherefrom and with application of multiplier of 17 has assessed pecuniary loss at Rs.4,08,0000/-, has allowed Rs.30,000/- towards non-pecuniary loss, and has allowed Rs.5,000/- towards funeral expenses; and has, thereby, awarded compensation in the sum of Rs.4,43,000/-. The Tribunal has allowed interest 7.5% per annum after adjustment of the amount of Rs.50,000/- received under interim award.

The claimants alleged earnings of the deceased at Rs.7,000/- per month and produced a salary certificate Ex.18 but in view of the work he was said to be engaged in, essentially that of a labourer on the stone-mines, the Tribunal has rightly not relied upon such certificate for want of cogent corroborative documentary evidence in the form of accounts and tax returns. The estimate put by the Tribunal on the average income of the deceased at Rs.3,000/- per month cannot be said to be too low or insufficient. The Tribunal has applied maximum side multiplier of 17 in view of the fact that the deceased was in the age group of 20-25 years. The Tribunal has further liberally allowed Rs.30,000/- towards non-pecuniary loss and Rs.5,000/- towards funeral expenses. The rate of interest allowed at 7.5% also stands on higher side in the award made in the month of April 2006.

In the ultimate analysis, the award amount cannot be said to be too low or inadequate than that of just compensation; and there appears no scope for upward revision in this appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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